

7 FAM 530 SOCIAL SECURITY ADMINISTRATION

(TL:CON-82; 08-25-2004)
(Office of Origin: CA/OCS/PRI)

SSA International

Toll-Free number 1-800-772-1213 (within U.S.)

Social Security Contacts

Regional Federal Benefits Officer Contacts

Reference: Social Security Handbook

The Social Security Administration is responsible for the administration of the Retirement, Survivors, and Disability Insurance (RSDI) program, the Special Veterans Benefits (SVB) program and the Supplemental Security Income (SSI) program as authorized by the Social Security Act, as amended.

For information on how to apply for SSNs and what documents must be submitted, go to SSA NUMBER. In using this source, be aware that the information is designed for people living in the United States. Do not assume that all the information applies to people living outside the United States. People living outside the United States must complete an *SS-5-FS Application for a Social Security Card*, which is available on the Social Security website. The form includes instructions for the documents that must be submitted.

Social Security laws and regulations are complex and you are encouraged to consult with your Regional Federal Benefits Officer when the situation you are handling is not covered by the information in 7 FAM 530 or if you are unsure of certain elements involved. You may also consult with CA/OCS/PRI for further information or guidance.

Frequently Asked Questions

WHO MAY HAVE A CLAIM FOR SSA BENEFITS?

Individuals who have worked and paid Social Security taxes and earned

enough Social Security credits may be eligible for benefits. Some dependents and/or survivors may also be eligible. Since eligibility varies by program, individuals should be encouraged to visit

SSA GOV

WHAT MUST BE REPORTED WHEN RECEIVING BENEFITS?

- Change of Address ssa.gov top10
- Work Outside the U.S.
- Disabled Person Returns to Work or Disability Improves
- Marriage SSA
- Divorce or Annulment SSA Adoption of a Child
- Child Leaves the Care of a Wife, Husband, Widow or Widower
- Child Nearing Age 18 is a Full-Time Student or Disabled
- Death SSA
- Inability to Manage Funds
- Deportation or Removal from the U.S.
- Changes in Parental Circumstances
- Eligibility for a Pension from Work not Covered by Social Security

WHERE DOES AN INDIVIDUAL GET NECESSARY FORMS?

On the Social Security website

WHAT SOCIAL SECURITY BUSINESS MAY YOU CONDUCT ONLINE?

On the Social Security website you can:

- Apply for Social Security Benefits
- Request a Social Security Statement
- Request a Replacement Medicare Card
- Get 2003 Cost of Living Information

- Learn how to replace, correct or change your name on your Social Security card
- Get benefit information publications

WHAT OPTIONS DOES AN INDIVIDUAL HAVE FOR RECEIVING MY CHECK?

See 7 FAM 522 U.S. Department of the Treasury

Direct Deposit

International Priority Airmail (IPA)

State Department Diplomatic Pouch and APO/FPO

7 FAM 531 AUTHORITY AND RESPONSIBILITY

7 FAM 531.1 What is the Consular Officer's Authority Regarding Social Security Matters Abroad?

(TL:CON-82; 08-25-2004)

- 22 U.S.C. 3904(3) (Functions of Service).
- 42 U.S.C. Chapter 7 (Social Security).

7 FAM 531.2 What is the Role of the Regional Federal Benefits Officer?

(TL:CON-82; 08-25-2004)

The Regional Federal Benefits Officers are assigned to assist our posts abroad.

- a. The Social Security Administration (SSA) funds six Regional Federal Benefits Officers (RFBOs) located in the major benefits processing posts (Athens, Frankfurt, London, Mexico City, Rome, and San Jose). It also funds a Technical Adviser (TA) located in the VA Regional Office in Manila. For convenience, they will all be referred to as RFBOs.
- b. These officers are experts in Social Security policy and administration and

are knowledgeable about other Federal benefits programs. Each is responsible for a specific geographic area and offers guidance and assistance to claims-taking and nonclaims-taking posts in fulfilling your responsibility to beneficiaries' abroad. RFBOs should be your first point of contact when you need assistance in providing information, developing a claim or trying to locate a missing check.

- c. RFBOs may also periodically visit posts to discuss procedures, provide orientation and training for new officers and assist with problematic cases. They are a valuable resource so utilize their expertise. **Regional Federal Benefits Officers/Regions**

7 FAM 531.3 What is the Role of the Consular Officer Regarding Social Security Matters Abroad?

(TL:CON-82; 08-25-2004)

- a. Federal law mandates entitlement to Federal benefits. Each Federal benefits-paying agency establishes policies and procedures under which the laws are administered. When policies and procedures are applied outside the United States, your assistance is required.
- b. You are expected to act as intermediaries between people abroad who are claiming/receiving Social Security benefits and the SSA, and to provide a broad range of services.
- c. Claims-taking Posts provide the broadest range of services. These may include:
 - Advising applicants about benefits,
 - Providing necessary forms,
 - Assisting applicants in completing forms,
 - Arranging medical appointments,
 - Developing claims,
 - Following-up with SSA when necessary, and
 - Processing Social Security number applications.
- d. Nonclaims-taking posts are expected to provide the appropriate assistance to individuals inquiring about Social Security benefits -- namely information, advice, and referrals.

- e. You should take a written, dated statement from any individual who wishes to file for benefits and send that to your RFBO (for Canada to your SSA Border Office) for further action
- f. If your post is served by a claims-taking post under a special regional arrangement, the RFBO will provide any special procedures necessary.
 - When possible you should provide necessary forms, e.g., SS-5-FS applications for SSNs and other forms SSA has provided
 - Assist in completing form
 - Provide information/referrals as requested

It is important that you seek advice from your Regional Federal Benefits Officer or SSA's Office of International Operations when you do not have answers, or contact the Office of Policy Review and Interagency Liaison (CA/OCS/PRI) for advice.

7 FAM 531.4 What is the Role of CA/OCS/PRI?

(TL:CON-82; 08-25-2004)

- a. The Office of Policy Review and Interagency Liaison (CA/OCS/PRI) is the Department's liaison with the Social Security Administration as well as other Federal benefits-paying agencies and consular posts abroad, members of the public and Congress. Specifically PRI:
 - Provides guidance on new or changed policies or procedures
 - Disseminates new program/benefits information
 - Assists SSA in implementing new Federal benefits programs
 - Resolves problem cases referred to the Department by other Federal agencies or the consular post involved
 - Facilitates the clearance of negotiated totalization agreements within the Department and forwards them to Congress for approval
- b. In essence, PRI shares the administrative and managerial responsibilities with the Social Security Administration and other Federal benefits-paying agencies for the Federal Benefits Programs abroad to ensure efficient and fraud-free payment of benefits as well as the provision of services.
- c. We have also set up ASKPRI@state.gov, an e-mail address within

OCS/PRI, where you may send questions and be assured that the appropriate person gets your question and responds as soon as possible. We encourage you to provide complex case examples on ASKPRI@state.gov so we can share them with other posts for advice/suggestions or for their information.

7 FAM 531.5 Descriptions and Definitions

(TL:CON-82; 08-25-2004)

- a. Beneficiary -- a person who is entitled to Social Security benefits.
- b. Claimant -- a person who is applying for Social Security benefits, whether on his/her own Social Security record or on the record of a worker upon whom the applicant is or was dependent.
- c. Covered employment or self-employment -- employment or self-employment that is subject to the payment of U.S. Social Security taxes. (Voluntary contributions cannot be made to the U.S. Social Security program.)
- d. Disability -- an impairment that prevents any substantial, gainful activity and is expected to have a duration of at least 12 months or to result in death.
- e. For widows and widowers, the disability requirements are more restrictive because the finding of disability is based on medical factors alone (age, education, and work experience play no part in the decision). In addition, the disability must begin within a certain prescribed period.
- f. Representative payee -- a person who receives benefits on behalf of a child or an incapable adult beneficiary.
- g. Worker -- the holder of a Social Security account number, male or female, living or deceased, who engaged in employment or self-employment covered under the Social Security Act and acquired coverage credits toward Social Security benefits for self and dependents.
- h. Claim number -- Social Security Number of the worker, living or deceased, on whose record the benefits are claimed and an alphabetical suffix assigned by SSA identifying the type of benefit involved. (Ex: 000-00-000A)
- i. Certified copies -- a copy made by the issuing agency such as the Registrar or Court, which bears an original seal, or a photocopy certified by a post in accordance with 7 FAM 534.2.

7 FAM 531.6 Where Can You Find Information about Social Security Issues?

(TL:CON-82; 08-25-2004)

- a. Regional Federal Benefits Officers/Regions
- b. ASKPRI@state.gov - e-mail address within OCS to ensure that the appropriate person gets your question and responds as soon as possible. You should also provide complex case examples on ASKPRI so OCS/PRI can share them with other posts for advice/suggestions or for their information.
- c. Web Resources
 - Social Security Home Page, SSA Social Security Handbook, SSA Handbook Social Security Pamphlets
 - SSA's International Site
 - SSA International for information for beneficiaries receiving benefits outside the United States and for information about totalization agreements.

Web sites referenced provide general information that may not always be applicable in cases where the beneficiaries live abroad, however, they still may be helpful.

At this time, applications for benefits are not available on-line to those living outside the United States.

7 FAM 531.7 Are there Limitations on Consular Officers Regarding Social Security Work and Disclosure of Information?

(TL:CON-82; 08-25-2004)

- a. Information, including Social Security numbers, contained in a name-retrievable system of records that concerns a Social Security claimant or beneficiary may not be disclosed except as expressly authorized by SSA, in accordance with the 12 exceptions to the conditions of disclosure in the Privacy Act, as amended (5 U.S.C. 552a (b)(1)-(12)), or in writing by the individual who is the subject of the record. Any unauthorized disclosure is subject to criminal penalties pursuant to 42 U.S.C. 1306(a) (Disclosure of Information in possession of Social Security Administration or

Department of Health and Human Services) and **5 U.S.C. 552a (Privacy Act, as amended)**).

b. A request for information from a law enforcement agency must:

- Be in writing on the agency letterhead
- Specify the information/records needed
- Be signed by an official of the requesting office
- Be in accordance with the 12 exceptions to the conditions of disclosure in the Privacy Act, as amended 5 U.S.C. 552a(b)(1)-(12).

Do NOT release SSA-related information to domestic, foreign or international law enforcement agencies. Refer those requests (including any documentation) to your RFBO for coordination with SSA regarding the release of the information.

7 FAM 532 APPLICATION FOR A SOCIAL SECURITY NUMBER (SSN)

(TL:CON-82; 08-25-2004)

For information on how to apply for SSNs and what documents must be submitted. In using this source, be aware that the information is designed for people living in the United States. Do not assume that all the information applies to people living outside the United States. People living outside the United States must complete an *SS-5-FS Application for a Social Security Card*. The form includes instructions for the documents that must be submitted.

7 FAM 532.1 Kinds of Social Security Cards Issued by SSA

(TL:CON-82; 08-25-2004)

SSA issues three different Social Security cards. They differ only in the legend, or lack of a legend, printed on the face of the card.

a. Cards with "no legend" are issued to:

- U.S. citizens
- Legal permanent resident aliens
- Legal aliens lawfully admitted to the United States with INS permission to work in the United States

Prior to May 17, 1982, all SSN cards were issued without any legend on them.

b. Cards with the legend "Not Valid for Employment" have been issued since May 17, 1982 to aliens **not** authorized to work in the United States.

Inform these alien applicants (original or duplicate card) that:

- This legend will be printed on the card
- The U.S. Immigration and Naturalization Service (INS) will be notified if earnings are reported on his/her SSN

c. Cards with the legend "Valid for Work Only with INS Authorization" have been issued since September 14, 1992 to aliens whose authorization to work in the United States is time limited (e.g., agricultural contract workers).

7 FAM 532.2 Who May Apply for an SSN Abroad?

(TL:CON-82; 08-25-2004)

a. The following applicants may apply for an original SSN abroad:

- (1) U.S. citizens and legal permanent residents, and
- (2) Nonresident aliens who have a valid current need for an SSN, (e.g., claimants for dependents and survivors benefits for whom an SSN is required to receive benefits.)

b. For nonresident aliens the only valid need for an SSN is if Federal law requires them to provide their SSN to receive a particular benefit. They must have filed an application and met all the required criteria for the particular benefit to be eligible for an SSN.

c. Nonresident aliens do **not** need an SSN to:

- Be claimed as a dependent on a U.S. tax return
- Be claimed as an exemption as a spouse of a U.S. taxpayer

- File a joint tax return as the spouse of a U.S. taxpayer
- Register at, or apply for admission to, a U.S. school
- Conduct business with a U.S. bank or financial institution

Consult with your RFBO for any other reasons for which you believe SSNs may not be necessary.

Immigrant visa holders cannot be issued SSNs until AFTER they have actually been admitted to the United States.

7 FAM 532.3 Applications for a Social Security Number (SS-5-FS)

(TL:CON-82; 08-25-2004)

SSA/Online SS-5-FS

Applicants 18 years old or older must apply in person for an original Social Security number.

7 FAM 532.3-1 Completed Form SS-5-FS.

(TL:CON-82; 08-25-2004)

- a. Everyone who applies for an original SSN must complete **(type or clearly block print in blue or black ink)** and sign an SS-5-FS. (This form is also used for those applying for corrected or duplicate cards.) In the rare case where a question cannot be answered, "unknown" should be entered. The only exceptions are items 8B (Mother's Social Security Number) and 9B (Father's Social Security Number) as explained in 7 FAM 532.3-3.
- b. For information on the use of the Form DOS-2029/SS-5, *Application for Consular Report of Birth Abroad of a Citizen of the United States* (CRBA/Application for Social Security Number Card), see 7 FAM 1445.4-1.

7 FAM 532.3-2 Evidentiary Requirements

(TL:CON-82; 08-25-2004)

SSA/Online SS-5-FS

All applicants (including those under age 18) for an original SSN must submit documentary evidence of:

- Age
- Identity
- U.S. citizenship, work authorized legal alien status **or** a current valid need for an SSN (See 7 FAM 532.2)

Applicants are usually required to produce at least **two different documents** to establish identity, age, and citizenship/alien status. Oftentimes a single document, i.e., a valid passport, fulfills more than one evidential requirement.

Although originals of evidentiary documents may be sent to SSA, certified copies are preferred to avoid the loss of originals. Post certification of evidentiary documents is not a notary service, and no fee is charged. Foreign language documents are acceptable, and may be translated by post or U.S. military personnel. 7 FAM 534.2

7 FAM 532.3-3 Application on Behalf of a Minor Child by Parents or Other Person (Section 8b/9b of SS-5-FS)

(TL:CON-82; 08-25-2004)

a. Completion of section 8B

Mother is completing the application.

- **If she does not have an SSN**, you should write **"NO SSN"** in section 8B. Annotate the entry "FSP WRITE IN".
- **If she has an SSN, but does not know it**, she must provide the following information **about herself** on a separate sheet:
 - Full Name
 - Full Name at Birth
 - Date of Birth
 - Place of Birth
 - Mother's Full Maiden Name
 - Father's Full Name

SSA will search its records for her SSN.

- **If she is unwilling to supply her SSN or the identifying information** requested above, forward the application to SSA with the information.

Mother is **not** completing the application.

- **If the mother does not have an SSN**, write "No SSN" in this section. Annotate the entry "FSP WRITE IN"
- **If the person completing the application does not know the mother's SSN, but can get it**, advise him or her that the application cannot be processed until he or she gives you the number
- **If the person completing the application does not know the mother's SSN**, write "UNKNOWN" in the section. Annotate the entry "FSP WRITE IN"
- **If the person completing the application knows, but is unwilling to give** the mother's SSN, forward the application to SSA with this information

b. Completion of section 9B

Father is completing the application.

- **If he does have an SSN**, you should write "No SSN" in this section. Annotate the entry "FSP WRITE IN"
- **If he has an SSN, but does not know it**, he must provide the following information about himself on a separate sheet:
 - Full Name
 - Full Name at Birth
 - Date of Birth
 - Place of Birth
 - Mother's Full Maiden Name
 - Father's Full Name

SSA will search its records for his SSN.

- **If he is unwilling to supply his SSN or the identifying information** requested above, forward the application to SSA

with this information

Father is **not** completing the application.

- **If the father does not have an SSN**, write **"NO SSN"** in this section. Annotate the entry "FSP WRITE IN"
- **If the person completing the application does not know the father's SSN, but can get it**, advise him or her that the application cannot be processed until he or she gives you the number
- **If the person completing the application does not know the father's SSN**, write "UNKNOWN" in this section. Annotate the entry "FSP WRITE IN"
- **If the person completing the application knows, but is unwilling to give the father's SSN**, forward the application to SSA with this information

If a parent is filing for a Social Security Number at the same time as his/her child, send both applications to SSA at the same time. Do not hold up the child's application for issuance of an SSN to the parent.

7 FAM 532.3-4 Signing the Application

(TL:CON-82; 08-25-2004)

The applicant's name should be signed the way he or she usually writes it. A parent or guardian may sign for a child or a disabled child of any age. In such cases, evidence of the signer's identity must be submitted with the application.

- a. The applicant must sign and date the form. Item 2 must show a complete and legible address to which the card is to be mailed.
- b. A child of any age may sign the application if physically or mentally capable.
- c. An application signed by a mark ("X") must be witnessed by you. (Other witnesses are not necessary when signed before a Consular Officer.)

7 FAM 532.3-5 In-Person Interview

(TL:CON-82; 08-25-2004)

- a. All applicants for an original SSN (i.e. the person to whom the SSN is to be assigned) who are age 18 or older MUST be interviewed in person by:
- A consular or diplomatic officer
 - A consular agent
 - An SSA Regional Federal Benefits Officer
 - An FSN in the Federal Benefits Unit
 - A designated U.S. military personnel abroad
- b. The in-person interview is intended to:
- Locate a prior SSN by helping the applicant recall circumstances under which an SSN may have been issued to him or her (e.g., an SSN may have been obtained for employment, a bank account, driver's license or school in the United States); and
 - Prevent the assignment of an SSN to an individual assuming a false identity.
- c. The interviewer will also corroborate statements and evidence supporting the application.
- d. A statement signed by the interviewer indicating that the applicant was interviewed in person must be attached to the SS-5-FS. The statement should indicate that the:
- Applicant (name and address) was personally interviewed on (date)
 - Applicant did/did not provide any information that would indicate that an SSN might have been issued to him or her (provide information on situations in which an SSN may have been issued)
 - Applicant did/did not provide adequate responses to the interview questions (report any problems with the interview responses)
 - Applicant's identity was verified.

If an applicant fails to appear for his/her interview, the application will be denied.

7 FAM 532.3-6 Where to Send Applications for SSNs

(TL:CON-82; 08-25-2004)

Review each SS-5-FS for completeness before forwarding it to the office shown below. A form that is incomplete or not signed by the applicant should be returned to the applicant for completion. Advise him or her why the application is being returned. Do NOT give the completed SS-5-FS and copies of the supporting evidence to the applicant to forward to SSA, the RFBO or another post.

- a. Send completed SS-5-FSs and certified copies of the supporting documents to the office servicing the area where the application was filed as follows:

Canada and Mexico: SSA field office currently assigned to your post. (This may change pursuant to local conditions and your SSA contact will keep you apprised of any changes.)

Philippines:

U.S. Veterans Affairs Regional Office
SSA Division
1131 Roxas Boulevard
Ermita 0930 Manila, Philippines

All others: (Unless RFBO instructions state otherwise.)

Social Security Administration
Office of International Operations
P. O. Box 17758
Baltimore, MD 21235-7758

SSA will mail the Social Security card directly to the applicant at the address shown in Item 2 of the completed SS-5-FS.

- b. Advise applicants (or persons completing applications for such persons) age one or older who were born in the United States and have submitted birth certificates recorded before age 5 and issued by a State or local Bureau of Vital Statistics that there will be a delay in issuing them SS cards. SSA must verify the birth certificate with the custodian of the record before it can process the SSN application.

7 FAM 532.4 How Does a Person Get a

Replacement Social Security Card?

(TL:CON-82; 08-25-2004)

SSA/Online SS-5-FS

Generally, only U.S. citizens and permanent resident aliens will be issued a replacement Social Security card.

7 FAM 532.4-1 Duplicate Card--Same Name and Number as Previous Card

(TL:CON-82; 08-25-2004)

Requirements:

- Completed form SS-5-FS. (Typed or clearly block printed in black or blue ink)
 - Applicants must submit proof of identity (e.g., a certified photocopy of the applicant's valid U.S. passport or Alien Registration Receipt Card and photo identification of the signing parent, if applicable)
 - Foreign-born U.S. citizens must also submit evidence of their U.S. citizenship (e.g., valid U.S. passport)
 - Aliens must also submit proof of current work-authorized legal alien status or a current valid need for a Social Security card
 - All applicants must sign and date the form (e.g. a child of any age can sign the application if physically or mentally able to do so)

Also see 7 FAM 532.3.1, 532.3.4 and 532.3.6.

If the applicant is unsure if a prior SSN application were made; or if an application were made, but no SSN card received, treat as a new application.

7 FAM 532.4-2 Corrected Card: Same Number but Different Name than Previous Card

(TL:CON-82; 08-25-2004)

- a. Anyone who has been assigned a Social Security number can apply for a

change of name. A corrected card will be issued in all instances except to nonresident aliens who do not submit evidence of a current valid need for a corrected card. However, their Social Security records will be updated.

b. Requirements:

Completed form SS-5-FS, (Typed or clearly block printed in black or blue ink)

ALL applicants must submit proof of identity.

That is:

- One document with both the applicant's old name shown on SSA's records and the new name (e.g. a marriage or divorce record or a court order of name change)
- Two documents, one showing his/her old name and one showing the new name
- If applicable, certified photocopy of the applicant's valid U.S. Passport or Alien Registration Receipt Card as well as photo identification of the signing parent,
- Certified photocopy of the document showing the name change, e.g., marriage certificate, divorce decree, court order, et

If the applicant does not have evidence of his/her old name or does not provide a reasonable explanation to resolve the discrepancy, contact your RFBO for assistance.

- Aliens must also submit proof of current work- authorized legal alien status or a current valid need for a Social Security card
- Foreign-born U.S. citizens must also submit evidence of their U.S. citizenship
- Applicant must sign and date the form (a child of any age can sign the application if physically or mentally capable)

See 7 FAM 532.3.1, 532.3.4 and 532.3.6

7 FAM 533 SSA BENEFIT PROGRAMS AND SERVICES FOR BENEFICIARIES ABROAD

(TL:CON-82; 08-25-2004)

For more information on the types of Social Security benefits. However, be aware that the information at this site is written primarily for people in the United States and it cannot be assumed that all of the information applies to people outside the United States. It may also be useful to visit Social Security website for additional information about totalization benefits and how being outside the United States may affect a person's Social Security payments. Also see Exhibit M "Benefit Claims Symbols and Factors of Entitlement."

7 FAM 533.1 Retirement Insurance (also known as Old Age Insurance) Benefits

(TL:CON-82; 08-25-2004)

a. Monthly benefits are payable to insured workers who have reached full retirement age and to those who retire at or after age 62 at a reduced benefit level.

For People Whose Year <u>Of Birth</u> is:	<u>Full Retirement Age</u> is:
Before 1938	65
1938	65 and 2 months
1939	65 and 4 months
1940	65 and 6 months
1941	65 and 8 months
1942	65 and 10 months
1943-1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months

1960 and later	67
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b. Applicants should be encouraged to communicate directly with SSA to determine their eligibility.

c. See Social Security website for information on how a person can obtain a statement of his/her year-by-year earnings under U.S. Social Security and estimates of the benefit payments he or she and his/her family may qualify for now or in the future.

7 FAM 533.2 Survivors/Dependents Benefits

(TL:CON-82; 08-25-2004)

Monthly benefits are payable to certain dependents and survivors of workers who are entitled to retirement or disability benefits or who are deceased. These dependents may be:

- A wife or husband age 62 or older, even if there are no children entitled to payments
- A wife, widow, husband, or widower regardless of age, if caring for a child under age 16 or disabled, who is entitled to benefits based on the worker's record
- A widow or widower age 60 or older, even if there are no children entitled to payments
- A divorced spouse age 62 or older, if unmarried, who had been married to a worker for at least 10 years before the date the divorce became final
- The divorced spouse of a worker (one who is not entitled to retirement or disability benefits) can become entitled to benefits only if the worker is age 62 or older, and if the divorce has existed for at least two years
- A surviving divorced spouse who is unmarried if caring for his/her natural or adopted child who is entitled to child's benefits on the worker's account

Note: there is no 10-year marriage requirement

- A surviving divorced spouse age 60 or older, if unmarried, who had been married to the worker for at least 10 years before the date the divorce became final

- A widow, widower or surviving divorced spouse at least age 50, but not 60, who becomes disabled no later than 7 years after the death of the worker or no later than 7 years after the last month the widow or widower was last entitled to benefits on the worker's account
- Unmarried children under age 18, and certain full-time high school students up to age 19
- Unmarried sons and daughters age 18 or older who were severely disabled before they reached age 22
- Unmarried grandchildren, under the same conditions as 8 and 9 above, if they began living with the grandparent prior to age 18 and lived with and were supported by the grandparent in the United States for the year before the grandparent became entitled to benefits, died or became disabled, and both their parents are either deceased or disabled
- Dependent parents age 62 or older after a worker die

7 FAM 533.3 Disability Insurance Benefits

(TL:CON-82; 08-25-2004)

Monthly benefits are payable to insured workers who become severely disabled prior to full retirement age.

7 FAM 533.4 Medicare--Hospital and Medical Insurance for the Aged and Disabled

(TL:CON-82; 08-25-2004)

a. Medicare is a two-part insurance program that helps pay the cost of health care in the United States for person's age 65 and older, for persons receiving disability benefits for 24 months, and for persons suffering severe kidney disease. It does NOT cover health services obtained outside the United States (except under limited circumstances when services are furnished in Canada or Mexico, or in some cases in the Caribbean, or aboard ships in U.S. territorial waters).

b. Medicare is administered by the Centers for Medicare and Medicaid Services (CMS). **SSA determines eligibility.** An individual who has questions regarding insurance coverage and reimbursement amounts and is in the U.S., should contact CMS at 1-800-Medicare.

7 FAM 533.5 Black Lung Disease Benefits

(TL:CON-82; 08-25-2004)

a. Since July 1, 1973, the Department of Labor has administered the Black Lung Program. Previously SSA administered the program. SSA continues to be responsible for miners' claims filed before July 1, 1973, and for claims by survivors of miners who filed before that date.

b. Monthly benefits are payable to:

- A coal miner who is totally disabled due to pneumoconiosis (black lung disease), resulting from employment in U.S. coal mines. The miner's payment may be augmented to provide for a dependent wife, a divorced wife, or children, or
- The widow, child, surviving divorced wife, parent, brother, or sister of a miner who:
 - Was entitled to black lung benefits at the time of death, or
 - Was totally disabled by pneumoconiosis at the time of death, or
 - Died from pneumoconiosis.

7 FAM 533.6 Supplemental Security Income Benefits

(TL:CON-82; 08-25-2004)

a. The Supplemental Security Income (SSI) program, administered by SSA, helps the aged, blind, and disabled to maintain a statutory level of annual income. Payments are made to eligible spouses, but not to any other dependents or survivors. **A beneficiary must be present in the United States and be a U.S. citizen or a legal permanent resident alien.**

b. Beneficiaries lose their eligibility after they have been abroad for 30 days. They are not entitled to benefit payments if they are outside the United States, and they must re-qualify after returning to the United States. However, exceptions to the nonpayment provision are made for certain children. A child may receive SSI benefits outside the United States if the child is:

- A blind or disabled child who is a U.S. citizen and is living with

a parent who is a member of the U.S. Armed Forces assigned to permanent duty outside the United States. The child must also have been eligible to receive SSI benefits in the month before the parent reported for duty outside the United States

- A student under age 22 who is a U.S. citizen and will be outside the United States for no more than one year. The child must be taking part in an educational program that is supported by a school, college, or university in the United States and must be in an educational program that is designed to substantially enhance his/her ability to engage in gainful employment. The child must also have been eligible to receive SSI benefits in the month before the first full month he or she was outside the United States

SSI checks are rainbow-colored checks and are distinguished by the blue envelopes in which they are mailed; if any are encountered abroad, for other than children noted above, SSA should be alerted at once through your Regional Federal Benefits Officer.

7 FAM 533.7 Special Veterans Benefits

(TL:CON-82; 08-25-2004)

Monthly benefits are payable to certain veterans of World War II who reside outside the United States. (These cases occur almost exclusively in the Philippines.) To qualify for special veterans benefits (SVB), a person must:

- Have been age 65 or older on December 14, 1999
- Be a World War II veteran (This includes Filipino veterans of World War II who served in the organized military forces of the Philippines while the forces were in the service of the U.S. armed forces, or served in organized guerrilla forces under the auspices of the U.S. military.)
- Be eligible for SSI benefits for December 1999
- Be eligible for SSI benefits for the month in which he or she files an application for SVB
- Have other benefit income that is less than 75 percent of the SSI Federal benefit rate. For 2003, 75 percent of the SSI Federal Benefit rate is \$414

7 FAM 533.8 Lump-Sum Death Payments

(TL:CON-82; 08-25-2004)

A Lump-sum death payment of up to \$255 may be made after the worker's death to a surviving spouse or child in this order of priority:

- To a surviving spouse who was living in the same household as the worker at the time of death
- To a surviving spouse who was entitled to or eligible for benefits on the worker's earnings record for the month of death; or
- If no spouse survives, to a child (or children) of the worker who was entitled to or eligible for benefits on the worker's earnings record for the month of death

Claims for the lump-sum death payment must be filed within two years of the death of the worker.

7 FAM 533.9 Totalization Agreements

(TL:CON-82; 08-25-2004)

a. The United States has a number of bilateral social security agreements that coordinate the U.S. Social Security program with the social security programs of other countries. The agreements usually referred to as "totalization agreements," have two main purposes.

- They eliminate dual social security coverage, the situation that occurs when a person from one country works in another country and is required to pay social security taxes to both countries on the same earnings. Each agreement includes rules that assign a worker's coverage to only one country
- They help fill gaps in benefit protection for people who have divided their careers between the United States and another country. Such workers may fail to qualify for social security benefits from one or both countries because they have not worked long enough to meet minimum eligibility requirements. Under an agreement, each country can count credits in the other country if it will help a person qualify for benefits. Although each country may count credits in the other country, credits are not actually transferred from one country to the other. Visit the Social Security website for information about guidance to beneficiaries in countries with agreements

b. The United States has totalization agreements with the following

countries (the year of entry into force is in parenthesis):

Australia (2002)	Italy (1978)
Austria (1991)	Korea (South) (2001)
Belgium(1984)	Luxembourg (1993)
Canada (1984)	Netherlands (1990)
Chile (2001)	Norway (1984)
Finland (1992)	Portugal (1989)
France (1988)	Spain (1988)
Germany (1979)	Sweden (1987)
Greece (1994)	Switzerland (1980)
Ireland (1993)	United Kingdom (1985)

U.S. Social Security Statements do not include credits or earnings from other countries. If SSA needs to count foreign credits to help a person qualify for U.S. benefits, SSA will obtain the record of foreign credits from the other country when the person files for benefits.

7 FAM 533.10 Centenarian Certificates

(TL:CON-82; 08-25-2004)

a. SSA awards special certificates to beneficiaries who are 100 years old or older. Each year SSA identifies those who have reached 100 and a Centenarian Certificate is prepared and forwarded to the Regional Federal Benefits Officer who forwards it to the appropriate post for presentation.

b. If you have a beneficiary who is 100 or older and has not received a certificate, send the following information to the RFBO for forwarding to the Office of International Operations:

- Name
- Social Security number
- Claim number
- Personal information about individual

7 FAM 534 APPLYING FOR BENEFITS AND THE CONSULAR OFFICER'S ROLE

(TL:CON-82; 08-25-2004)

Always include the SSN on which the claim has been/is being filed on each page of material (e.g., letters, statements, medical evidence and certifications) sent to SSA, an RFBO or a claims-taking post.

7 FAM 534.1 Applying for Benefits

7 FAM 534.1-1 Claims-Taking Posts

(TL:CON-82; 08-25-2004)

a. Some posts with many Social Security claimants and beneficiaries have personnel who have been specially trained by SSA to develop formal applications for Social Security benefits. These posts stock forms used to apply for Social Security retirement, disability, and survivor benefits. Most are also available at ssa online forms.

b. Designated posts in the following countries have been trained in developing claims for Social Security benefits:

Argentina	Greece	Poland
Austria	Hong Kong	Portugal
Belgium	Ireland	Spain
Costa Rica	Israel	Switzerland
Croatia	Italy	United Kingdom
Dominican Rep.	Jamaica	Yemen
France	Mexico	
Germany	Norway	

c. In the Philippines, such work is conducted at the VA Regional Office at Manila.

7 FAM 534.1-2 Nonclaims-Taking Posts

(TL:CON-82; 08-25-2004)

a. Nonclaims-Taking posts may be serviced by Claims-Taking posts, which may or may not have a Regional Federal Benefits Officer stationed in them.

b. When an individual visits or telephones the post about filing for benefits, ascertain if he or she is within 4-5 months of the age required for entitlement to benefits, or older. (See 7 FAM 533.)

c. When the inquirer meets the age requirement, or when there is no age requirement for the benefits:

If the individual **visits** the post:

- Take a written statement from the applicant in lieu of a formal application, the statement must:
 - Express the writer's intent to claim Social Security benefits for himself/herself or on behalf of another
 - Include the worker's Social Security number
 - Include the claimant's address and a telephone number where he or she can be reached
 - Be signed by the claimant, a spouse, a legal representative, legal guardian, or, in the case of a child, a parent. The name of an applicant who signs by mark or fingerprint must be shown on the signature line. Your signature as a witness will suffice if you are satisfied as to the applicant's identity
 - Be date-stamped by the post

Statement Example:

"I, John M. Deere, SSN 000-00-000, wish to file for SSA child's benefits for my son, John M. Deere, Jr."

The written statement may be in English or the local language with an English translation. (Translation by the post is acceptable to SSA and will help avoid delays within SSA.) The individual should not be asked to sign a statement in a language unfamiliar to him or her.

The claimant or post should send the completed statement or the post as indicated below.

- If the inquirer **telephones** the post:
 - Complete and SSA-2514, Record of Claimant's Intent to File, (Exhibit H). Sign and date the form.
 - Forward the form as indicated below.
- If the inquirer **writes** to the post:
 - Date-stamp the letter and forward it as indicated below.
- Forward documents to:

Social Security Administration
Office of International Operations

P. O. Box 17775
Baltimore, MD 21235-7775

or

In some instances, you may have to send the claimants to a Claims-Taking post, which will develop the claims. Consult your RFBO for advice about where to send these documents.

Subsequent correspondence will normally be handled directly between the claimant and SSA.

d. When inquirer does not meet the age requirement for entitlement to benefits:

- Advise him or her to contact the SSA 4-5 months prior to meeting the age requirement.
- Suggest that the inquirer obtain a birth certificate, or a religious record of birth (e.g., baptismal certificate) to submit to SSA when he or she files for benefits. SSA will advise the inquirer of any other documents that are needed when he or she files for benefits. □

Information regarding U.S. birth records by state is available on the State Department internet website.

Provide form SSA-7004 "Request for Social Security Statement" **SSA Forms**/Exhibit I if filing for benefits on their account. Mail form to:

Social Security Administration
Wilkes Barre Date Operations Center
P. O. Box 7004
Wilkes Barre, PA 18767-7004

SSA's reply will provide a complete history of the worker's Social Security earnings, taxes, credits, and an estimate of retirement, survivors, and disability benefits payable.

e. What if the claimant requests additional help?

You should provide appropriate assistance and advice on the types of documentary evidence that may be submitted to prove age, death, marriage, divorce, dependence, or income (e.g., W-2 forms or tax returns). Alert your RFBO to any doubts about the reliability of these documents.

7 FAM 534.2 What is the Consular Officer's

Responsibility in Obtaining Evidence?

(TL:CON-82; 08-25-2004)

a. General

Normally, the claimant is responsible for submitting evidence of entitlement to Social Security benefits. Claims-taking posts have access to SSA's Program Operations Manual System (POMS) that provides information about evidence required for specific programs and benefits. Occasionally, SSA asks the post to obtain evidence to ensure that a correct determination is made. If the post has obtained evidence at the specific request of SSA, see 4 FAH-3 H454.6 for reimbursement procedures.

b. Documents Submitted to Post

The claimant should submit the original documents. If the claimant does not wish to relinquish an original, SSA will accept a copy or excerpt if certified as explained below.

INS has authorized SSA to photocopy certificates of naturalization and other INS documents, provided the copy will never be released or made available to anyone and will be retained as part of SSA's official records.

When you make a copy or excerpt of a document, send the certified copy or certified excerpt directly to SSA. **Do not give it to the claimant to mail to SSA.**

SSA regulations on the certification of documents require the certifying employee to comment on the genuineness of the original document, and to state whether it appears to be unaltered **AND** to have been made at the time purported. If the document contains a seal that does not reproduce, record the information on the photocopy.

The certifying employee can accept a photocopy submitted by the claimant if the original is also submitted for comparison. Any missing items must be written in and initialed by the certifying employee. The statement about genuineness is construed to mean that all requirements, such as the presence of a raised seal, have been met. Indicate specifically any discrepancies.

The following statement must be used when certifying documents:

The original document (or record) of which this is a copy (or, from which this excerpt was taken) appears to be genuine and unaltered and to have been made at the time purported. This

document consists of ____ pages.

Signature _____

Title _____

Post _____

Date _____

This certification process is not a notarial function and no fee is charged.

7 FAM 534.3 What is the Role of the Consular Officer in Validating Evidence?

(TL:CON-82; 08-25-2004)

a. Sometimes SSA cannot accept at face value a document submitted by a claimant because its authenticity is questionable. Therefore, you may be asked to examine the source record to determine the validity of a birth, marriage, or death certificate or other document purportedly issued by the custodian of the record. Usually, a copy of the questionable certification will be enclosed. If a copy is not available, a complete description will be provided.

b. In response to SSA's request, it may be necessary for you to visit the custodian of the record, examine the source record and report to SSA whether the:

- Document is bound and intact
- Entry under examination is on a page in proper chronological order with other pages
- Entry is in proper chronological sequence with other items on the same page
- Entry is within the borders and margins of the page
- Entry is in the same ink and handwriting as the entries preceding and following it
- Entry contains any erasures or corrections, and if so, what they are
- Source record appears authentic and made at the time purported
- Original record agrees in every detail with the certification, or if

not, how the difference can be explained

c. Reply directly to SSA.

7 FAM 534.4 What is the Role of the Consular Officer in Obtaining Medical Evidence in Disability Cases?

7 FAM 534.4-1 Claimant's Responsibilities

(TL:CON-82; 08-25-2004)

Claimants for disability benefits have the primary responsibility to:

- Provide medical evidence to document their disability claims including complete information about the medical providers who treated them
- Request reports from physicians and medical facilities when specifically asked
- Appear for consultative examinations when requested

7 FAM 534.4-2 Consular Officer Assistance

(TL:CON-82; 08-25-2004)

SSA may submit a *Request for Services* to the Department of State, Form SSA-423-U6 specifying the type of records, examination or special tests needed and requesting you to:

- Arrange a medical examination
- Obtain medical evidence of record
- Help with a continuing disability review
- Conduct a field examination

7 FAM 534.4-3 Medical Records

(TL:CON-82; 08-25-2004)

- a. An SSA request for medical records will specify the hospital, clinic, or physician, and the period for which records are required.
- b. You are authorized to offer payment to the source for the requested records, provided the source is not a U.S. Government

facility. You must inform the holder of the medical records that the offer to pay is for medical records and the cost of preparing, copying, and mailing the reports, but does not cover the cost of the examination.

c. **It is important that SSA receive the records as soon as possible.** If you cannot obtain the records within 90 days, report the reason to SSA with the anticipated date of completion.

7 FAM 534.4-4 Medical Examinations

(TL:CON-82; 08-25-2004)

a. If SSA requests a medical examination, schedule the examination with a duly licensed physician who is in good standing and professionally qualified in the specialty required for the examination. The SSA request will contain guidelines for the examination. **Do not ask the claimant to arrange for his/her own appointments.**

b. You should carefully control the medical examination process and be sure that the claimant understands that if he or she fails to attend the examination, a decision will be made based on the evidence in file. **This could result in a denial of the claim.**

The report of the medical examination must be a narrative summary in sufficient detail of the:

- Pertinent history
- Clinical and laboratory findings
- Therapy administered
- Functional capacities before and after therapy
- Diagnosis

To enable SSA to assess the kind and severity of impairment and the residual functional capacities of the applicant:

- EKG's, spiograms, and other pertinent medical records must be forwarded with the report.
- X-ray films should **not** be sent to SSA. The SSA development request will authorize a radiologist's interpretation when x-ray studies are requested.

Under NO circumstances should the report be shown to, or discussed with, the claimant. The examining physician or medical

facility should be cautioned in this regard.

If a supplemental report from the claimant's medical source is needed, the request will state what further information is needed. SSA may, if pertinent, provide a photocopy of the original report for use in obtaining supplemental data.

7 FAM 534.4-5 Investigations

(TL:CON-82; 08-25-2004)

a. Disability is seldom determined solely because of medical evidence. A claimant's personal and vocational background must also be considered. SSA may ask you to investigate specific background or nonmedical factors such as:

- The claimant's educational background
- Work experience and skills
- Job adaptability
- Daily activities
- Reaction to impairment
- Social or mental adjustment
- Family or social environment
- Economic and industrial conditions in the community

b. Report any facts or circumstances that appear to be inconsistent with the alleged disability or incapacity to work.

c. Also, events may occur after approval of a disability application that requires an investigation to learn whether the claimant's disability continues or has ceased to exist.

7 FAM 534.4-6 Travel Expenses When Obtaining Medical Evidence

(TL:CON-82; 08-25-2004)

a. In unusual situations, because of the claimant's physical condition or possible health risk, it may be necessary to have the claimant examined or interviewed at home or transported to the place of examination.

b. SSA reimburses all expenses for such travel, including overnight accommodations when required. However, SSA does not reimburse expenses for admission to a clinic or hospital as an inpatient to perform the requested examination.

c. SSA will also reimburse the travel and related expenses of a companion required to accompany a claimant to an examination.

d. Travel and related expenses, including per diem, incurred by Foreign Service personnel in the performance of a field examination or other requested service are chargeable to SSA. If travel in connection with a proposed examination entails substantial costs, consider all alternative means of obtaining the information. (6 FAM 100)

7 FAM 534.4-7 Charges for Services

(TL:CON-82; 08-25-2004)

Expenses incurred for services performed for disability cases are authorized when the original request is made or later as circumstances dictate. SSA does not specify the exact amount to be spent because costs vary worldwide. All charges must be reasonable and customary and not in excess of prevailing costs for such services in the locality. Travel costs for claimants; local attendants or physicians shall not exceed those that the persons concerned would incur if they were traveling at their own expense.

7 FAM 534.4-8 Payment Procedure

(TL:CON-82; 08-25-2004)

- a. Payments in connection with disability cases for authorized expenditures shall conform to 4 FAH-3 H454.6 guidelines.
- b. SSA's requests for services will include the appropriation number, allotment and organization codes, and a control number for preparing vouchers.

7 FAM 534.5 How does a Claimant Appoint an Attorney/Agent to Act for Them in Connection with an Application for Social Security Benefits?

(TL:CON-82; 08-25-2004)

General

a. A Social Security claimant may be represented by an attorney or other qualified person. (A foreign attorney not qualified to practice law in the U.S. is treated as a non-attorney representative.) To appoint a representative to act for him or her in matters before SSA, the claimant must:

- Provide a written statement
- Sign and date the appointment
- File the written appointment with SSA

b. An appointed representative may act on behalf of the claimant from the time of their appointment until that appointment is revoked. The representative CANNOT sign an application on behalf of the claimant or redelegate his or her authority to represent the claimant to anyone else.

c. If the proposed representative does not appear to be of good character and reputation, you should include any evidence that bears on his/her character, reputation, or ability to help the claimant with the material forwarded to Office of International Operations.

7 FAM 534.5-1 Claims-Taking Posts

(TL:CON-82; 08-25-2004)

- The claimant should complete that part of Form SSA-1696-U4 "Appointment of Representative/Acceptance of Appointment" indicated for their completion
- The proposed representative should then complete the form as required
- You should forward all the evidence to the SSA Office of International Operations (OIO)

7 FAM 534.5-2 Nonclaims-Taking Posts

(TL:CON-82; 08-25-2004)

- Claimant must provide name and address of the proposed representative
- You should forward that information with the claimant's statement of intent to file (see 7 FAM 534.1.2) to your RFBO or OIO according to post procedures
- The RFBO or OIO will send an SSA-1694-U4 directly to the claimant for his/her completion and completion by the proposed representative

7 FAM 534.5-3 Fees Charged by Attorneys/Agents

(TL:CON-82; 08-25-2004)

- Attorney/agent fee amounts must be authorized by SSA
- SSA's authorization is required whether SSA's decision on the claim is favorable or unfavorable
- Notify SSA if you learn, or suspect, that a person has represented a Social Security claimant and has
 - Charged a fee without SSA authorization
 - Charged a fee in excess of an amount authorized
 - Engaged in unethical or dishonest practices as the representative of a claimant

Explain the basis for your belief and include statements signed by persons with firsthand knowledge, if available.

SSA will initiate formal administrative proceedings to disqualify such a person from serving as a representative in matters before SSA and will inform that person of the decision in writing.

7 FAM 534.5-4 Disqualification of Attorneys/Agents

(TL:CON-82; 08-25-2004)

When persons are formally suspended or disqualified from representing claimants, SSA will give their names and addresses to posts in the locale. You should inform claimants who seek to appoint these persons as their representatives that SSA cannot recognize them as representatives.

7 FAM 535 HOW BENEFIT PAYMENTS ARE MADE

7 FAM 535.1 Methods of Payment

7 FAM 535.1-1 Direct Deposit

(TL:CON-82; 08-25-2004)

See 7 FAM 522.1.

Beneficiaries who are outside of the United States may elect to have their checks directly deposited to a financial institution in or outside the United States.

a. International Direct Deposit:

- For a list of countries that currently have direct deposit available, ssa gov international your ss-directdeposit.
- See 7 FAM 522.1 for Direct Deposit procedures
- Inform beneficiaries with direct deposit that they MUST notify SSA of any changes of address to avoid delays in receiving information from SSA. Failure to do so, may result in benefits being suspended

b. Power of Attorney to a Financial Institution outside the United States

A foreign financial institution must be granted a power of attorney by the beneficiary if it is to receive and negotiate the beneficiary's checks.

- See 7 FAM 526 for Power of Attorney guidelines
- Inform beneficiaries who granted power of attorney to a financial institution that SSA's records would show only the address of that institution. He or she must contact the bank to receive any SSA notices/letters and to avoid the possible suspension of benefits

c. Direct Deposit (DD) to a Financial Institution in the United States

A beneficiary outside the United States, or one who is returning to the United States, can have his/her benefits paid into a bank in the United States.

- For U.S. direct deposit, the payee must complete Sections 1 and 2 of Standard Form 1199A "Direct Deposit Sign-up Form." This allows the bank account number and other necessary data to be placed on record so benefits may be deposited directly into the U.S. bank account. (7 FAM 530 Exhibit C)
- For DD, the payee must use the agency's adaptation of the SF 1199A for that country

The payee sends the form to the financial institution that verifies the information and completes Section 3. The financial institution then returns the completed form to the government agency indicated in Section 2 (for U.S. direct deposit) or the payee (for DD). The payee must send the DD form to the address on the form. A beneficiary in the United States cannot have his/her benefits deposited into a financial institution outside the United States.

7 FAM 535.1-2 INTERNATIONAL PRIORITY AIRMAIL (IPA)

(TL:CON-82; 08-25-2004)

See 7 FAM 522.2.

Monthly benefit checks may be sent via International Priority Airmail (IPA) directly to the recipient when the host country has a reliable postal system.

7 FAM 535.1-3 State Department Diplomatic Pouch and APO/FPO Facilities

(TL:CON-82; 08-25-2004)

See 7 FAM 522.3.

a. In countries where IPA is not feasible, bulk shipments of checks are mailed via the Department's Diplomatic Pouch Facility or APO/FPO facilities and then dispatched to posts.

b. You are responsible for distributing the checks to the recipients through the local postal service or other appropriate means.

7 FAM 535.2 Nonreceipt of Payment

7 FAM 535.2-1 What is the Role of the Consular Officer?

(TL:CON-82; 08-25-2004)

To report a missing bulk shipment or an individual payee check:

- See 7 FAM 523
- Check the list of suspensions due to failure to respond to the annual enforcement questionnaire
 - If the individual is on that list, have them complete SSA-7161-OCR-SM or SSA-7162-OCR-SM as appropriate
- Report the missing payment to the RFBO, follow the relevant procedures in 7 FAM 523
- Advise the individual of nonpayment due to a change of status making him or her ineligible for benefits

7 FAM 535.3 Underpayments/Overpayments

7 FAM 535.3-1 What are Underpayments and How Are They Resolved?

(TL:CON-82; 08-25-2004)

a. Underpayments occur when a beneficiary:

- Has not been paid a monthly benefit to which he or she is entitled
- Has been paid less than the amount due them

b. Causes:

- The beneficiary's delay in reporting an event that could increase his/her monthly benefit
- The lag between the time an event is reported and the time SSA processes it
- The death of a beneficiary before negotiating a check

c. What if:

Beneficiary is alive.

The underpayment will be paid to their representative payee. Generally, the underpaid person is not required to file a written request for the underpayment.

Beneficiary is deceased.

When the beneficiary is deceased, SSA does not solicit underpayment claims outside the United States. However, payment may be made automatically to a:

- Surviving spouse who was either living with the beneficiary or entitled to benefits on the same record for the month of death
- Child or parent of the beneficiary entitled to benefits on the same record as the beneficiary for the month of death

For more details about individuals to whom underpayments may be paid, see section 1902.3 of the Social Security Handbook at [ssa handbook](#)

d. Requests for underpayments should be treated in the same manner as those for claims (see 7 FAM 534.1).

EXCEPTION: If the deceased beneficiary were receiving Special Veterans Benefits, the amount due is not payable to any other person or his/her estate. It reverts to the general fund of the Treasury.

7 FAM 535.3-2 What are Overpayments and How Are They Resolved?

(TL:CON-82; 08-25-2004)

a. Overpayments occur when a beneficiary:

- Is paid more than was due, or

- Cashes both a substitute check and the original check issued to him or her

b. Causes:

- Delay in reporting events that would reduce the amount of benefits due, or
- Delay in processing such changes

c. Beneficiary Notification

Once an overpayment is discovered, SSA advises the beneficiary of:

- The amount of the overpayment
- The reason for overpayment
- His/her waiver and appeal rights
- The method of recovery

SSA usually sends the letter directly to the overpaid beneficiary; to specific posts (China, Hong Kong, Iran, Macao, Nicaragua and Turkey); or to VARO Manila for Philippines residents (if a refund is the sole means of recovery).

For Greece: If adjustment is proposed to recover the overpayment, a copy of the letter is sent to the embassy.

For claims-taking posts: if a refund is the sole method of recovery and the beneficiary lives in a country in which there is a claims-taking post, a copy is sent to the post (see 7 FAM 534.1.1).

d. Recovery:

Generally, SSA recovers overpayments by:

- Refund
- Adjustment of, or withholding, benefits due the overpaid beneficiary or other beneficiaries on the same record
- Compromise settlement
- Civil suit
- The Internal Revenue Service withholding Federal tax refunds

Recovery of an overpayment may be waived under certain conditions. Such waivers are granted only when the beneficiary did nothing to cause the overpayment and are either not able to pay it back or recovery would be against equity and good conscience.

See chapter 19 of the Social Security Handbook on the Social Security website for more information on recovery of an overpayment and waiver of the collection of an overpayment.

7 FAM 535.3-3 What is the Role of the Consular Officer in Overpayment Cases?

(TL:CON-82; 08-25-2004)

a. SSA may request your assistance if a beneficiary who has been sent a letter directly by SSA does not respond, or if there is a difficulty that cannot be resolved without your assistance. SSA's request will explain fully the overpayment and provide instructions on the steps you should take.

b. When the beneficiary makes a refund, you should handle it in accordance with 7 FAM 514.2.1 Fraud Prevention (Funds Handling).

7 FAM 536 REPRESENTATIVE PAYEE

7 FAM 536.1 Selection of Payee for an Incapable Adult Beneficiary

(TL:CON-82; 08-25-2004)

a. SSA prohibits direct payment of benefits to individuals who are:

- Judged legally incompetent;
- Mentally incapable of managing benefit payments;
- Physically incapable of managing or directing the management of payments; or
- Minor children (see 7 FAM 536.2).

Therefore, these beneficiaries must be paid through a representative payee.

b. A representative payee is an individual or organization that receives Social Security, Supplemental Security Income and/or Special Veterans Benefits for a minor child or an adult who cannot manage or

direct the management of his/her benefit payments. The funds are to be used for the beneficiary's current and foreseeable needs. Remaining funds are to be saved for the beneficiary.

General information about representative payment is available on the Social Security website. In using this source, be aware that the information is designed for people residing in the United States.

7 FAM 536.1 Selection of Payee for an Incapable Adult Beneficiary

(TL:CON-82; 08-25-2004)

a. Unless direct payment is prohibited, as explained in 7 FAM 536, an adult beneficiary is presumed capable of managing his/her benefits. When circumstances indicate that a beneficiary may not be capable of managing his/her benefits, a determination must be made to establish his/her inability to handle his/her benefits. The main factor in the selection of a payee is determining what is in the beneficiary's best interest. Convincing evidence of the individual's inability to manage his/her benefits must be provided.

b. Acceptable evidence of capability includes:

- Medical findings (whenever possible)
- Legal findings by a court of competent jurisdiction when there is an allegation of legal incompetence
- Lay evidence (in all cases)

c. SSA does not require the appointment of a legal guardian if a beneficiary is unable to handle benefit funds. However, when incapability is established, SSA's policy is to find a close relative or another person who is personally interested in the beneficiary's welfare and is capable of administering funds in the best interest of the beneficiary. Refer to Section 1609.1-4 of the Social Security Handbook on the Social Security website for a guide in selecting a payee for an incapable adult.

7 FAM 536.2 Selection of Payee for a Child Beneficiary

7 FAM 536.2-1 When Payments Can be Made Directly to a Child Beneficiary

(TL:CON-82; 08-25-2004)

SSA considers persons under age 18 incapable of managing benefit payments; however, payment may be made directly to a beneficiary under age 18 in certain circumstances. For more information on when payments may be made directly to a beneficiary under age 18, see section 1602.2 of the Social Security Handbook on the Social Security website.

For information on selecting a payee for a beneficiary under age 18, see section 1608 of the Social Security

7 FAM 536.2-2 List of Payee Preferences for Child Beneficiary

(TL:CON-82; 08-25-2004)

Handbook on the Social Security website

7 FAM 536.3 What is the Role of the Consular Officer?

(TL:CON-82; 08-25-2004)

a. When it appears that a beneficiary/claimant may need a representative payee, report it to your RFBO 7 FAM 530 Exhibit E with a full explanation of the circumstances.

b. The report must include:

- The name and address of the person in the highest priority **who is both willing and able to serve** as representative payee
- The name of each person higher in priority than the person selected with an **explanation of why he or she is not willing or able to serve** as representative payee
- The name of the person, if any, in whose custody, the beneficiary currently resides
- The relationship of all persons named to the beneficiary

c. When SSA receives notice of the incapability of a beneficiary/claimant or of the death or resignation of a representative payee, it will send instructions for obtaining evidence of capability, if needed, and for the development of a representative payee who meets the necessary criteria.

7 FAM 536.4 Duties of a Representative Payee

(TL:CON-82; 08-25-2004)

a. A payee has the responsibility to use the payments received only for the use and benefit of the beneficiary. Payees should be encouraged to become actively involved in the beneficiary's life and not just manage his/her funds.

b. The payee is required to:

- Determine the beneficiary's needs and use his/her payments to meet those needs
- Help the beneficiary get medical treatment when necessary
- Retain any unused funds in an interest bearing account for the beneficiary's future needs (the account must be set up to show that the payee has only a fiduciary interest in the funds)
- Report any changes or events which could affect the beneficiary's eligibility for benefits or payment amount
- Keep records of all payments received and their disposition; provide benefit information to social service agencies or medical facilities that serve the beneficiary
- Complete written reports accounting for the use of funds (See 7 FAM 539)
- Return any payments to which the beneficiary is not entitled to SSA
- Notify SSA of any changes in the payee's circumstances that would affect his/her performance as payee

7 FAM 536.5 Accounting for the Use of Benefits

(TL:CON-82; 08-25-2004)

a. Annually, SSA sends directly to each representative payee Form SSA-7161-OCR-SM "Report to U.S. Social Security Administration By Person Receiving Benefits for a Child or an Adult Unable to Handle Funds" (See 7 FAM 539). The payee must complete the form and return it promptly in the pre-addressed envelope provided. policy ssa gov.

b. Additionally, SSA establishes controls on cases that require follow-up. Specific requests for accountings will include any necessary

forms and instructions. While the accounting is of primary significance, you should always make a personal contact with the beneficiary to verify that:

- The beneficiary is alive
- There has been no shift in responsibility
- The beneficiary has not married, worked, changed citizenship, or otherwise become ineligible for payment

7 FAM 536.6 Suspension of Payments Pending Appointment of Payee

(TL:CON-82; 08-25-2004)

a. If possible, SSA does not interrupt payments pending the appointment of a representative payee unless it is determined that substantial harm would result from the continuation of payments. For example, based on contacts with a physician and the beneficiary, it is determined that the beneficiary has been repeatedly hospitalized for alcoholism. Paying him or her directly may cause further injury, and substantial harm could result.

b. SSA also suspends benefits when a beneficiary is:

- Adjudicated to be legally incompetent
- Under age 15

c. There are no emergency provisions to appoint a representative payee who has not applied nor been approved.

7 FAM 537 WHAT EVENTS MAY AFFECT CONTINUING ELIGIBILITY FOR BENEFITS?

(TL:CON-82; 08-25-2004)

SSA Publication No. 05-10137, "Your Payments While You Are Outside the United States," provides information about how being outside the United States may affect payments. It also explains what types of events a beneficiary must report and how to report these so that the beneficiary may continue to receive the correct payments. See the Social Security website.

This booklet is available in printed format in English, as well as

bilingual versions:

English and French - SSA Publication No. 05-10143
English and German - SSA Publication No. 05-10146
English and Greek - SSA Publication No. 05-10145
English and Italian- SSA Publication No. 05-10152
English and Spanish -SSA Publication No. 05-10138

7 FAM 537.1 Events That May Affect Payments

(TL:CON-82; 08-25-2004)

It is the beneficiary's responsibility to notify SSA promptly about events that could affect payments. Some of those events are:

- Change of address (See 7 FAM 535.1.)
- Work outside the United States
- Disabled person returns to work or disability improves
- Marriage
- Divorce or annulment
- Adoption of a child
- Child leaves the care of the beneficiary
- Child nearing 18 is a full-time student or disabled
- Death
- Inability to manage funds (See 7 FAM 536)
- Deportation or removal from the United States
- Changes in parental circumstances
- Eligibility for a pension from work not covered by Social Security

(Social Security website)

If a beneficiary or other person contacts a post to report an event that could affect eligibility, assist the person in reporting the event to SSA. Send a report of the contact to the appropriate RFBO. Include the following information in the report:

- Date of the contact with the post

- Name and address of the person who contacted you, and if the person was other than the beneficiary, his/her relationship to the beneficiary
 - Beneficiary's claim number
- Event being reported and the date it occurred.

7 FAM 537.2 How Working Affects Benefits

7 FAM 537.2-1 Annual Earnings Test

(TL:CON-82; 08-25-2004)

The retirement test used in the United States also applies to persons outside the United States who work in employment or self-employment that is covered by the Social Security system. That test is based on earnings. For more information, see "How Work Affects Your Benefits" on the Social Security website.

7 FAM 537.2-2 Foreign Work Test

(TL:CON-82; 08-25-2004)

a. No single money amount could realistically differentiate between full-time and part-time work in all foreign countries. Therefore, the Social Security law contains a different type of test that generally applies to persons living outside the United States and working in noncovered employment or self-employment. This work test is based on **hours** worked in a month rather than amount earned. GENERALLY, U.S. citizens who are self-employed and residing in a country with which the U.S. has a totalization agreement (see 7 FAM 533.9) are subject to this test.

b. Under the 45-hour work test (generally called the Foreign Work Test), no benefit is payable for any month in which a beneficiary younger than full retirement age (see 7 FAM 533.1) is employed or self-employed for more than 45 hours. The number of hours the beneficiary is employed or self-employed in a month determines whether he or she may receive a benefit. The number of days on which the beneficiary is employed or self-employed is immaterial.

c. As with the annual earnings test, no benefits are withheld for any month in which the beneficiary who is working reaches full retirement age (see 7 FAM 533.1).

d. Special trial work period provisions apply to disabled beneficiaries. For an explanation of this trial period, see Part 2 of the publication, "Working While Disabled--How We Can Help," on the Social Security website.

7 FAM 537.3 Penalty Deductions

7 FAM 537.3-1 What Can Cause Penalty Deductions?

(TL:CON-82; 08-25-2004)

Penalty deductions may be imposed if:

- A beneficiary is late in reporting foreign work activity that would call for deductions under the foreign work test, or
- A parent or other person, receiving benefits because he or she has a child entitled to Social Security benefits in his/her care, is late in reporting when the child leaves that person's care.

Timely reporting: Reports should be made before the receipt and acceptance of a benefit payment for the second month after the month in which the event occurred. For example, a beneficiary who worked outside the United States in May in work that would result in deductions under the foreign work test must report this work activity **before** receiving and accepting the benefit payment for July (made in August).

7 FAM 537.3-2 How Penalty Deductions Are Imposed

(TL:CON-82; 08-25-2004)

- The **first** time a beneficiary is late in reporting foreign work or that a child is no longer in his/her care, a penalty equal to one month's benefits may be withheld
- For the **second** failure to report such information on time, a penalty equal to 2 months' benefits may be withheld
- For the **third and each subsequent failure** to report such information on time, a penalty equal to 3 months' benefits may be withheld

The above penalties are imposed in addition to the deductions made for foreign work or failure to have a child in the care of the beneficiary.

7 FAM 537.4 Administrative Sanctions

7 FAM 537.4-1 When are Administrative Sanctions Imposed?

(TL:CON-82; 08-25-2004)

Administrative sanctions are imposed when a person makes, or causes to be made, a statement, or representation of a material fact for use in determining eligibility for benefits or benefit amounts if:

- The statement is false or misleading or omits a material fact
- He or she knows, or should have known, that the statement is false or misleading or omits a material fact
- The statement is made with a knowing disregard for the truth
- The statement is made on or after December 14, 1999

7 FAM 537.4-2 What is the Penalty?

(TL:CON-82; 08-25-2004)

The penalty is 6, 12 or 24 months of benefits that would otherwise be payable as follows:

- 6 months for the first occurrence
- 12 months for the second occurrence
- 24 months for each subsequent occurrence

7 FAM 537.4-3 Whose Benefits are Affected by the Penalty?

(TL:CON-82; 08-25-2004)

Sanctions only affect the benefits of the person being sanctioned. They end if the beneficiary dies in the sanction period. The benefits of other beneficiaries are neither increased nor decreased because of the sanctions.

7 FAM 537.5 Suspension of Benefits to Aliens Due to Their Absence from the United States

(TL:CON-82; 08-25-2004)

Non-U.S. citizen beneficiaries are not eligible for monthly Social Security benefits after they have been outside the United States for 6 consecutive calendar months, unless they meet certain exceptions.

For a discussion of these exceptions, refer to the booklet, "Your Payments While You are Outside the United States," at (ssa gov pubs 10137) and the Social Security Handbook, chapter 18, at ssa handbook.

7 FAM 537.6 Countries to Which Payments Cannot Be Made

7 FAM 537.6-1 U.S. Department of the Treasury Regulations

(TL:CON-82; 08-25-2004)

a. U.S. Treasury regulations prohibit the delivery of payments to, or on behalf of, beneficiaries in Cuba and North Korea. Thus, SSA cannot pay benefits to beneficiaries in these countries either by check or by direct deposit to bank accounts or through people in other countries.

b. U.S. citizen beneficiaries who are in Cuba or North Korea can receive all their benefits that were withheld while they were in Cuba or North Korea when they leave and go to a country to which SSA can send payments.

c. Social Security law provides that **non-U.S. citizen beneficiaries cannot receive any benefits that were withheld while they were in Cuba or North Korea**, even if they go to a country to which payment can be sent and they meet all other requirements for payment.

7 FAM 537.6-2 SSA Restricted Countries

(TL:CON-82; 08-25-2004)

a. SSA restrictions prohibit the payment of benefits to, or on behalf of, beneficiaries in some former U.S. Treasury-restricted countries. Although the Treasury Department restrictions have been lifted, payment cannot be made because the appropriate officials in those countries have not given SSA assurance of free access to beneficiaries/claimants and to vital statistics records. These countries are:

Azerbaijan	Moldova
Belarus	Tajikistan
Cambodia	Turkmenistan
Georgia	Ukraine
Kazakhstan	Uzbekistan
Kyrgyzstan	Vietnam

NOTE: The necessary assurances of access were requested

by SSA through the Department of State when the Treasury restrictions were lifted. For various reasons, those assurances have not been provided.

b. Generally, beneficiaries in these countries can receive benefits that were withheld while there when they leave that country and go to one to which SSA can send payments if they meet all other requirements for payment. This applies to both U.S. citizen and non-U.S. citizen beneficiaries.

c. Unless local instructions state otherwise, if a beneficiary contacts a post in one of the restricted countries and requests that an exception be made to the nonpayment policy, you should take a written statement to this effect from him or her and send it to:

Social Security Administration
Center for Program Support—Team 5
P.O. Box 17770
Baltimore, MD 21235-7770.

Include the beneficiary's name, SSN and complete local address.

7 FAM 537.7 Taxation of Benefits

7 FAM 537.7-1 Citizens and Residents of the United States

(TL:CON-82; 08-25-2004)

a. Up to 85% of the Social Security benefits received by a person who is a citizen or resident of the United States may be subject to Federal income tax.

b. See ssa pubs 10077 part1 for information on how these benefits are taxed.

7 FAM 537.7-2 Nonresident Aliens

(TL:CON-82; 08-25-2004)

a. A Federal income tax will be **withheld** from Social Security benefits of nonresident aliens. The tax is 30% of 85% of the benefit amount (an effective tax rate of 25.5%).

b. Federal income tax is not withheld from the benefits of nonresident aliens who reside in countries with which the U.S. has tax treaties that exempt residents from the tax or that provide for a lower tax rate. The U.S. currently has such tax treaties with:

Canada
Egypt
Germany
Ireland
Israel
Italy
Japan
Romania
Switzerland and the
United Kingdom (England, Scotland, Wales and Northern Ireland)

c. Also, benefits paid to persons who are citizens and residents of India are exempt from this tax to the extent that their benefits are based on Federal, State, or local government employment.

d. If you are a **nonclaims-taking post** and a beneficiary states that this tax should not be withheld from his/her benefits, follow the procedures below:

- When the beneficiary claims U.S. citizenship:
 - Make a copy of his/her naturalization certificate (7 FAM 534.2) or valid U.S. passport. Send the evidence of citizenship, the beneficiary's SSN and a report of the contact to SSA.
- When beneficiary claims U.S. or a tax treaty country residence:
 - Make a copy of any evidence (7 FAM 534.2) he or she has to support his/her residence in that country (e.g., an Alien Registration Card for persons claiming U.S. resident status, an identity card or other document showing resident status in a tax treaty country)

- Take a written statement from him or her showing that he or she considers himself/herself to be a resident of that country. If the beneficiary claims U.S resident status, the statement must also show
- Whether his/her U.S. residence status has ever been abandoned or revoked by the U.S. Immigration and Naturalization Service
- That he or she understands that as a U.S. resident, his/her worldwide income will be subject to U.S. Federal income tax in the same way as people living in the United States

Send the statement with the copies of the evidence of residence and a brief report of contact to SSA. If the beneficiary has no evidence of this residence or cannot readily obtain it, so state on the report to SSA.

Show the beneficiary's SSN on all reports and documents.

In most instances, SSA will contact the beneficiary directly if additional information is needed.

7 FAM 538 COMMUNICATIONS WITH SSA

(TL:CON-82; 08-25-2004)

STATE to SSA

When it is necessary to seek advice from SSA, contact your Regional Federal Benefits Officer (RFBO) first. (Exhibit E) (link)

- a. Consult RFBOs regarding:
 - Applications for Social Security numbers
 - Applications for benefits
 - Questions about benefit payments
- b. Report post-entitlement events:
 - Changes of address
 - Reports of death
 - Change in marital status
 - Change in parental circumstances
 - Adoption of a child

- Nonreceipt of payments
- Work activity affecting benefits
- Disabled person can resume work/disability improves
- Deportation or removal from the U.S.
- Child leaves the care of a wife, husband, widow or widower
- Child nearing age 18 is a full-time student or is disabled, and
- Inability to manage funds

Always include:

- SSA Claim Number (On all original documents and all attachments)
- Name and Mailing address of the claimant/beneficiary

c. Consult **CA/OCS/PRI** regarding policies and procedures as well as problem cases you and SSA have been unable to resolve and they will contact SSA directly to discuss the issue.

7 FAM 538.1 Mail, Telephone, and In-person Inquiries

(TL:CON-82; 08-25-2004)

ACTION REQUIRED/WHAT IS YOUR RESPONSIBILITY:

Determine the type of request and assistance needed by the individual.

a. When individual wants to file for benefits:

Take action as explained in 7 FAM 534.1.2.

Send **mail inquiries** to OIO at the following address if it is not clear whether he or she wants to file for benefits.

Social Security Administration
Office of International Operations
P. O. Box 17775
Baltimore, MD 21235-7775

b. When individual has filed for benefits, but has not been notified

of the action on his/her claim:

Refer the inquiry to OIO at the address above.

Be sure to show the SSN on which the claim was filed on all documents submitted by the individual.

If the inquiry was made in-person or by telephone, include a report showing:

- Claimant's full name
- SSN on which the claim was filed, and if different from the claimant, the worker's name
- Date the application was filed and the office with which it was filed
- Claimant's mailing address
- Claimant's telephone number

c. When an individual wants to apply for an SSN, a duplicate SSN card or a corrected card: **Take action as explained in 7 FAM 532.**

d. When an individual is asking about, or reporting, a post-entitlement event, contact the RFBO if the individual is asking about, or reporting:

- Benefit payments, including nonreceipt of payment
- Change of address
- A death
- Refer all other inquiries to

Social Security Administration
Office of International Operations
P. O. Box 17769
Baltimore, MD 21235-7769

e. In the case of **telephone and in-person inquiries** include a report showing:

- Beneficiary's full name
- SSN on which he or she is entitled to benefits

- Specific information about the inquiry or the event being reported
- Beneficiary's mailing address
- Beneficiary's telephone number
- Name, address and telephone number of the person making the report, if other than the beneficiary

f. Occasionally it may be necessary for you to contact SSA's Office of International Operations directly to discuss a specific case, locate a missing check or provide additional information on a pending case.

Send to:

Social Security Administration
Office of International Operations (OIO)
P. O. Box 17769
Baltimore, MD 21235-7769

Or

Your RFBO will provide **telephone and fax numbers and e-mail addresses** for the appropriate module by terminal digit breakdown of Social Security numbers.

Always include:

- Claimant's full name
- SSA claim number (on all original documents and all attachments)
- Mailing address
- Telephone and Fax numbers (if available)

7 FAM 538.2 Frequently Reported Events

7 FAM 538.2-1 Change of Address

(TL:CON-82; 08-25-2004)

Advise beneficiaries to report changes of address promptly to avoid the suspension of payments; otherwise SSA cannot contact them.

A change of address should be forwarded to the RFBO for input through SSA's post-entitlement on-line system (POS). Claims-taking posts can find the POS change of address procedures at policynet.ssa.gov, click on MSOM on DalNet, then click Part 3, (Title II Post entitlement), and click on Section 53-A.

a. **FROM THE U.S. TO ANY FOREIGN COUNTRY**

- Beneficiary should complete and sign:
 - The locally printed change of address form
 - Form SSA-21 "*Supplement to Claim of Person Outside the United States*" ssa.gov/online/forms/SSA-21I)
 - One SSA-21 may be used to list all beneficiaries receiving benefits under the same SSN. Every beneficiary listed on the form must sign the form. However, if it is completed by a beneficiary for himself/herself and as a representative payee, he or she must sign the form only once
- You should:
 - Ensure that each beneficiary, who is over age 65 or disabled, is aware of his/her continuing liability to pay Medicare premiums unless enrollment is specifically canceled. Inform each beneficiary that, as a practical matter, Medicare coverage is not available outside of the U.S. (See 7 FAM 533.4.)
 - Send a completed change of address form to your RFBO. The RFBO will process the change through POS
 - Mail the completed SSA-21 and any supporting certified photocopies directly to

Social Security Administration
Office of International Operations
P. O. Box 17769
Baltimore, MD 21235-7769

b. **FROM A FOREIGN COUNTRY TO ANOTHER FOREIGN COUNTRY**

- Beneficiary should complete the locally printed Change of Address form.

- Send a completed change of address form to your RFBO. The RFBO will process the change through POS

c. FROM A FOREIGN COUNTRY TO THE U.S.

- The beneficiary should complete the locally printed Change of Address form.
- Beneficiaries who reside in the U.S. cannot have their benefits paid into a foreign bank. You may assist the claimant by arranging direct deposit (DD) to a U.S. bank account. (See 7 FAM 535.1.1 for direct deposit information.)
- Send a completed change of address form to your RFBO. The RFBO will process the change through POS.

7 FAM 538.2-2 Death Reports

(TL:CON-82; 08-25-2004)

a. Upon receipt of notification of the death of a beneficiary receiving Social Security benefits, complete the locally printed Report of Death form, 7 FAM 530 Exhibit K.

Send a completed Report of Death form to the RFBO. The RFBO will process the death termination through POS.

SSA to STATE

7 FAM 538.3 Requests for Assistance

(TL:CON-82; 08-25-2004)

a. Social Security's Office of International Operations (OIO) will occasionally contact posts for assistance in a particular case. The request will contain all the necessary information to enable you to proceed.

Expeditious handling of these requests is essential, since the outcome may have a direct bearing on someone's claim for benefits or continued entitlement to benefits.

OIO will routinely follow up on a request for service for which no reply is received within 60 days. If you anticipate a longer delay, send an interim report with an estimated completion date.

When replying, include the following information:

- SSA Claim Number at top of each page (including attachments)
- Worker's Name
- Beneficiary's Name and Address
- Telephone and Fax Numbers, and E-mail addresses (if available)
- OIO's Reference Number
- Respond in the same manner as request was received or as indicated in the request

b. In complex cases, invite the claimant to come in indicating what documents or information he or she should bring. When sending forms to be completed, advise claimant to have them completed prior to the appointment.

c. If the information or evidence requested by OIO requires an on-the-scene visit, schedule a field contact.

Federal Benefits travel is funded through regular consular funds in all countries except in:

Costa Rica

Germany
Greece
Italy
Mexico
The Philippines
The United Kingdom
Where there are RFBOs and other arrangements exist.

However, when consular funds are not available, contact your RFBO to request authorization to travel at Social Security expense. They will provide an appropriation number, allotment and organization codes and a control number for vouchers.

The request must include the:

- Purpose of travel
- Social Security claim number
- City/province/region to which travel is necessary
- Estimated cost

d. What if the claimant does not respond?

ACTION REQUIRED/WHAT IS YOUR RESPONSIBILITY:

If the claimant has not responded by submitting forms, information or other evidence after the initial contact period, send a follow-up letter. After several weeks if there is still no response, schedule the case for a field contact if the individual may benefit from such an appointment, but is incapable of acting without assistance.

If the individual who has not responded/cooperated has nothing to lose by lack of response (a beneficiary being requested to repay an overpayment), a field contact usually is scheduled to obtain the needed cooperation.

Otherwise, prepare a closeout letter.

Sample letter:

Dear _____:

On June 3 and again on June 18, 2002 we wrote to you requesting you to provide your birth certificate in support of your claim for Social Security benefits. To date, you have not responded.

If you need assistance in furnishing this evidence, please contact us by telephone at _____, mail or by coming to this office.

If we do not hear from you within 15 days of the date of this letter, we will assume you no longer wish to pursue this matter and will so inform the Social Security Administration. The Social Security Administration will then make a decision based on the evidence in your file.

Signature.

Follow up in 15 days, if there is still no response to the closeout letter, return the request for assistance to OIO with a copy of the letter and an explanation of the efforts made.

Send this material to:

Social Security Administration
Office of International Operations
P. O. Box 17775
Baltimore, MD 21235-7775

7 FAM 539 WHAT IS SSA'S ANTIFRAUD ENFORCEMENT PROGRAM AND WHAT IS THE CONSULAR OFFICER'S RESPONSIBILITY?

(TL:CON-82; 08-25-2004)

7 FAM 539.1 Foreign Enforcement Program

(TL:CON-82; 08-25-2004)

In addition to relying on beneficiaries to report events that may affect their benefits), SSA contacts beneficiaries outside the United States annually or biennially to verify their current status. The Foreign Enforcement Program was established to:

- Ensure that beneficiaries are still living
- Determine whether any unreported events have occurred that

could result in the suspension or termination of their benefits and remind beneficiaries and representative payees to report such events promptly

- Obtain a report from, or on behalf of, each beneficiary about any event that could result in the suspension or termination of benefits, change in alien nonpayment exception or change in representative payee
- Obtain an annual accounting from all representative payees
- Verify that there has not been a change in custody
- Obtain data used for the administration of the Social Security program outside the United States

7 FAM 539.2 *Foreign Enforcement Questionnaires (FEQs)*

(TL:CON-82; 08-25-2004)

a. Form SSA-7162-OCR-SM (*Report to United States Social Security Administration*)

Usually in May, these questionnaires are sent directly to **adult beneficiaries receiving their own benefits** every year, or every other year, depending on the beneficiary's country of residence. (Exhibit L.)

b. Form SSA-7161-OCR-SM (*Report to United States Social Security Administration by Person Receiving Benefits for a Child or for an Adult Unable to Handle Funds*)

These questionnaires are sent annually, usually in May, to the **payees for children and incapable adult beneficiaries** regardless of their country of residence.

c. Both questionnaires are mailed directly to the beneficiaries/payees and include an instruction sheet in English, and where used, the following languages:

French		Norwegian
German		Polish
Greek		Portuguese

Italian		Spanish
Japanese		Swedish

The beneficiary/payee should return the FEQ to SSA's Wilkes-Barre Data Operations Center in the pre-addressed envelope provided. (See 7 FAM 526 if the FEQ has not been received.)

7 FAM 539.2-1 What is the Role of the Consular Officer?

(TL:CON-82; 08-25-2004)

Generally, you are not directly involved in the receipt, control or mailing of the forms, but some beneficiaries/payees may require assistance (language, age or distance) in completing and signing the questionnaire. However, you need to be mindful of the potential for fraud and do whatever you can to ensure that the benefit is going to the people who are entitled to it. That may mean seeing that all questionnaires are distributed, all responses are processed, and all non-responses are investigated promptly. If benefits have already been stopped, when a beneficiary seeks assistance, see 7 FAM 539.2.2.

Due to special circumstances, SSA sends the questionnaires for beneficiaries in China, Yemen and certain other countries when deemed necessary to the posts in those countries for assistance in the delivery of the FEQs. In these cases, the respondents still return the questionnaires directly to SSA's Wilkes-Barre Data Operations Center.

See Exhibit L for the FEQ contact schedule.

7 FAM 539.2-2 What if the Beneficiary/Payee does not Respond?

(TL:CON-82; 08-25-2004)

a. If a beneficiary/payee has not returned the questionnaire within 60 days, a follow-up notice and a second questionnaire are sent. The follow-up notice advises the recipient that **benefits will be suspended** if SSA does not receive a completed questionnaire within 45 days. This notice is usually sent in September.

b. If a completed questionnaire is not received by mid-December, a third questionnaire is sent to the beneficiary with a notice explaining

that **benefits will stop** beginning with the payment for January (received in February).

c. **Once benefits are stopped** because an FEQ was not returned, SSA will send the beneficiary/payee another questionnaire to complete. The form should be completed and signed as soon as possible and **you** should forward it to your RFBO (see Exhibit E).

7 FAM 530 EXHIBIT L

(TL:CON-82; 08-25-2004)

SCHEDULE OF FOREIGN ENFORCEMENT CONTACTS

1. **BIENNIAL CONTACTS** -- An SSA-7162-OCR-SM is sent to all beneficiaries residing in the following countries every other year. Half the beneficiaries are contacted in even-numbered years and the other half in odd-numbered years.

Argentina	Hungary
Australia	Ireland
Austria	Israel
Barbados	Italy
Belgium	Japan
Brazil	Malta
British West Indies	Netherlands
Canada	New Zealand
Chile	Norway
Colombia	Panama
Costa Rica	Poland
Cyprus	Portugal
Czech Republic	Slovakia
Denmark	Slovenia
Ecuador	Spain
Finland	Sweden
France	Switzerland
Germany	United Kingdom

Greece
Guatemala
Hong Kong

APO/FPO
addresses

Biennial contacts are also made with all **B** (aged spouse), **D** (aged widow/widow), **F** (parent), **J** (special age 72); and **W** (disabled widow/widower) beneficiaries residing in a country (other than Yemen) shown in 2 below.

2. **ANNUAL CONTACTS** -- An SSA-7162-OCR-SM is sent every year to all beneficiaries (except as noted in 1. above) residing in the following countries:

Cape Verde Islands	Turkey
Dominican Republic	Yemen
Jamaica	All other countries not listed in 1 above
Lebanon	
Mexico	
Philippines	

3. **ANNUAL CONTACTS** -- An SSA-7161-OCR-SM is sent every year to all beneficiaries with representative's payees.

7 FAM 530 EXHIBIT E

(TL:CON-82; 08-25-2004)

Regional Federal Benefits Officers, Social Security Technical Advisor, Duty Stations, Areas of Responsibility and Contact Information

<p>Regional Federal Benefits Officer: San Jose, Costa Rica</p> <p>Telefax: 011-506-291-1032</p> <p>Email Address: Santisr@state.gov</p> <p>Mailing Address: American Embassy, Pavas, San Jose, APO AA 34020</p> <p>Service Area:</p>		
<p>All of Central American (except Mexico), South American and the Caribbean</p>		
<p>Regional Federal Benefits Officer: Frankfurt, Germany</p> <p>Phone: 011-49-69-7535-2497</p> <p>Telefax: 011-49-69-749352</p> <p>Email Address: grocciarv@state.gov</p> <p>Mailing Address: American Consulate General, Siesmayerstrasse 21, 60323 Frankfurt, PSC 115, APO AE 09213-0115</p> <p>Service Area:</p>		
Austria	Lesotho	Swaziland
Belarus	Liechtenstein	Switzerland
Botswana	Namibia	Ukraine
Germany, Fed. Rep. of	Portugal	
Iran	South Africa	

Regional Federal Benefits Officer: Athens, Greece

Phone: 011-30-10-720-2424

Telefax: 011-30-10-729-0509

Email Address: Wilsonbt@state.gov

Mailing Address: American Embassy, 91 Vasilissis Sophias Blvd, 10160
Athens, PSC 108 Box 31, APO AE 09842-0108

Service Area:

Afghanistan	Israel	Serbia and Montenegro
Armenia	Jerusalem	Seychelles
Azerbaijan	Jordan	Slovenia
Bahrain	Kazakhstan	Sudan
Bosnia-Herzegovina	Kuwait	Syria
Bulgaria	Kyrgyzstan	Tajikistan
Comoros	Lebanon	Turkey
Croatia	Macedonia, FYR	Turkmenistan
Cyprus	Mauritius	United Arab Emirates
Diego Garcia	Moldova	Uzbekistan
Egypt	Oman	Yemen
Georgia	Qatar	
Greece	Romania	
Iraq	Saudi Arabia	

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Service Area:

Albania	Djibouti	Morocco
Algeria	Equatorial Guinea	Mozambique
Angola	Eritrea Estonia	Niger
Benin	Ethiopia	Rwanda
Burkina Faso	Gabon	San Marino
Burundi	Guinea	Sao Tome and Principe
Cameroon	Guinea-Bissau	Senegal
Cape Verde	Hungary Italy	Slovak Republic
Central African Republic	Latvia Libya Lithuania	Somalia
Chad	Madagascar	Western Sahara
Congo, Democratic Republic of	Mali	
Cote D'Ivoire	Malta	

Czech Republic	Mauritania	
	Monaco	
<p>Regional Federal Benefits Officer: Mexico City, Mexico</p> <p>Phone: 52-555-080-2774</p> <p>Telefax: 52-555-080-2171/2605</p> <p>Email Address: delatorre@state.gov</p> <p>Mailing Address: American Embassy, Paseo de la Reforma 305, 06500 Mexico, D.F.; Mail: P. O. Box 3087, Laredo, TX 78044-3087</p> <p>Service Area:</p>		
All of Mexico		
<p>Social Security Technical Advisor: Manila, Philippines</p> <p>Phone: 011-632-523-1001 x 2545</p> <p>Telefax: 011-632-522-1514</p> <p>Email Address: ashleyt@state.gov</p> <p>Mailing Address: U.S. Department of Veterans Affairs, 1131 Roxas Blvd., Ermita 0930 Manila, Philippines</p> <p>Service Area:</p>		
Australia	Korea, South	Samoa
Bangladesh	Laos	Singapore
Brunei	Marshall Islands	Solomon Islands
Burma	Malaysia	Thailand
Cambodia	Micronesia, Federated States	Tonga
China	Mongolia	Tuvalu
Fiji	Nauru	Vanuatu

India	New Zealand	Vietnam
Indonesia	Pakistan	
Japan	Palau	
Kiribati	Papua New Guinea	
Korea, North	Philippines	
<p>Regional Federal Benefits Officer: London, England</p> <p>Phone: 44 20 7894 0517 or 44 20 7894 0510</p> <p>Telefax: 44 20 7495 7200</p> <p>Email Address: PanchecoC@state.gov also cc LawsonAC@state.gov</p> <p>Mailing Address: American Embassy. 24 Grosvenor Sq., WIA 2LQ, or PSC 801, Box 5, FPO AE 09498-4004</p> <p>Service Area:</p>		
Andorra	Kenya	Sierra Leone
Belgium		
Denmark	Liberia	Spain
Finland	Luxembourg	Sweden
Gambia	Malawi	Tanzania
Ghana	Netherlands	Uganda
Iceland	Nigeria	United Kingdom
Ireland	Norway	Zambia
		Zimbabwe

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(TL:CON-82; 08-25-2004)

BENEFIT CLAIMS SYMBOLS AND FACTORS OF ENTITLEMENT

The following chart shows the claims symbols for the types of Social Security benefits. Information on the factors of entitlement that relate to these benefits can be found in the Social Security Handbook on the Social Security website.

Type of Benefit	Claim Symbol	SSA Handbook Section
Retirement Insurance	A	301.1
Disability Insurance	HA	501.1
Wife	B	305
Husband	B1	305
Young Wife	B2	305
Divorced Wife	B6	311
Divorced Husband	BR	311
Young Husband	BY	305
Child Under Age 18	C	323, 324, 410, 411
Disabled Child	C	323, 324, 410, 411
Student	C	323, 324, 410, 411
Widow	D	401, 402
Widower	D1	401, 402
Remarried Widow	D4	401, 402, 406
Remarried Widower	D5	401, 402, 406
Surviving Divorced Wife	D6	403
Surviving Divorced Husband	DC	403
Mother	E	415

Surviving Divorced Mother	E1	416
Father	E4	415
Surviving Divorced Father	E5	416
Disabled Widow	W	401, 402
Disabled Widower	W1	401, 402
Disabled Surviving Divorced Wife	W6	403
Disabled Surviving Divorced Husband	WR	403
Parent-Father	F1	421, 422
Parent-Mother	F2	421, 422
Lump-Sum Death Payment	G	428 - 432

A claims symbol with an "H" prefix identifies a benefit paid from the Disability Insurance Trust Fund. For example, an HC is the child of a disabled worker.